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Attorneys for RGIS, LLC (erroneously sued as
RGIS Inventory Specialists, Inc.)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

TRISHA WREN and CYNTHIA
PIPER, et al., individually and on
behalf of others similarly situated,

Plaintiffs,

v.

RGIS INVENTORY SPECIALISTS,
LLC and DOES 1-25, inclusive,

Defendants.

Case No. 3:06-cv-05778 JCS
Case No. 3:07-cv-00032 JCS

JOINT MEDIATION REPORT AND
STIPULATION AND ~~PROPOSED~~
ORDER RE REVISED CASE
MANAGEMENT AND PRETRIAL
ORDER

Date: May 7, 2010
Time: 1:30 a.m.
Judge: Hon. Joseph C. Spero

I. MEDIATION REPORT

On April 22, 2010, the parties participated in a full day of mediation with the Honorable Edward Infante (Ret.). During the mediation, the parties narrowed their differences and agreed to reconvene on May 7, 2010, the next available date on Judge Infante's calendar. Given the progress made during the mediation and in the interest of conserving resources, the parties agreed to delay further the deposition of plaintiffs' expert Dr. Richard Martell until after the next mediation session.¹ As a result, the parties respectfully submit for the Court's consideration a new joint scheduling order.

II. PROPOSED JOINT SCHEDULING ORDER

WHEREAS the parties have met and conferred regarding modifications to several dates set by the Court in its November 23, 2009 Case Management and Pretrial Order (Dkt. 805) and in the parties' February 10, 2010 stipulation entered by the Court (Dkt. 809);

WHEREAS the proposed modifications are needed to accommodate the progress the parties have made in mediation and the unforeseen circumstances regarding the availability of plaintiffs' expert Richard Martell;

IT IS HEREBY STIPULATED by and between the parties through their counsel of record that the current scheduling order in effect shall be modified as follows:

¹ Dr. Martell's deposition was originally scheduled for April 16, but was postponed due to an injury suffered by Dr. Martell. The parties have agreed to reschedule Dr. Martell's deposition on June 14.

| Event | Current Date | Proposed New Date |
|--|---------------|---|
| Deadline for completion of expert depositions | Apr. 16, 2010 | June 14, 2010 (Dr. Martell only) |
| Deadline for proposed final joint pre-trial order (exhibits and witness lists) | Apr. 30, 2010 | May 28, 2010 |
| Deadline for motions in limine and deposition designations | May 6, 2010 | June 14 ⁰¹ , 2010 (except for possible <i>Daubert</i> motion related to Dr. Martell) |
| Further case management conference and hearing on motion for decertification of Cal. Lab. Code § 226 claim | May 7, 2010 | June 25, 2010 @ 9:30 AM |
| Deadline for jury instructions | May 21, 2010 | June 25 ¹⁸ , 2010 |
| File trial briefs on any controlling issues of law, verdict forms (joint or separate), objections to exhibits, proposed voir dire, and objections to deposition designations | May 21, 2010 | July 2, 2010 |
| Deadline for oppositions to motions in limine | May 21, 2010 | July 2, 2010 June 16, 2010 |

| Event | Current Date | Proposed New Date |
|--|---------------|---|
| Deadline for depositions of seven trial witnesses per side identified in proposed pre-trial order | June 11, 2010 | July 2, 2010 |
| Deadline for <i>Daubert</i> motion related to Dr. Martell | N/A | July 2, 2010 |
| Deadline for amendments to final joint pre-trial order relating to Dr. Martell | N/A | July 2, 2010 |
| Deadline to provide official record exhibits and single bench binder set of exhibits | June 15, 2010 | July 6, 2010 |
| Pre-trial conference | June 25, 2010 | July 29, 2010 @ 9:30 AM July 16, 2010 |
| Deadline for filing deposition designations for seven trial witnesses per side identified in the pre-trial order | June 30, 2010 | July 21, 2010 |
| Deadline for filing counter-designations and objections to the deposition designations related to the seven trial witnesses per side | July 9, 2010 | July 30, 2010 |
| Final date to arrange dailies or real-time transcript | Aug. 25 ,2010 | Unchanged |
| Jury trial begins | Aug. 30, 2010 | Unchanged |

1
2 Dated: April 28, 2010

SCHNEIDER WALLACE
COTTRELL BRAYTON
KONECKY LLP

4 GOLDSTEIN, DEMCHAK, BALLER,
5 BORGEN & DARDARIAN

6 /s/ David Borgen
David Borgen
Counsel for Plaintiffs

8 Dated: April 28, 2010

9 AKIN GUMP STRAUSS
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10 1333 New Hampshire Avenue, NW
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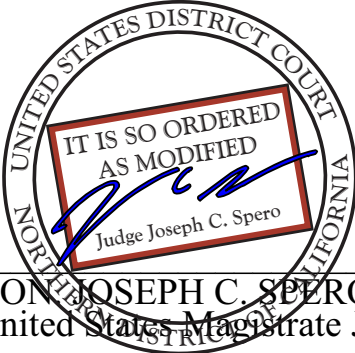
11 /s/ Joel M. Cohn
Joel M. Cohn
12 Catherine A. Conway
13 Gregory W. Knopp
Counsel for Defendants

14
15
16 ORDER

17 The Court, having reviewed the parties' stipulation and good cause appearing,
18 hereby modifies its Case Management and Pretrial Order consistent with the above
19 referenced dates.

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21 IT IS SO ORDERED.

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23 Dated: April 30, 2010

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HON. JOSEPH C. SPERO
United States Magistrate Judge

1 **PROOF OF SERVICE**

2 WASHINGTON, DC

3 I am employed in Washington, D.C. I am over the age of 18 and not a party to the within
 4 action; my business address is: 1333 New Hampshire Avenue, NW, Washington, DC 20036. On
 5 February 19, 2010, I served the foregoing document described as: **JOINT MEDIATION REPORT**
 6 **AND STIPULATION AND [PROPOSED] ORDER RE REVISED CASE MANAGEMENT AND**
 7 **PRETRIAL ORDER**

8 on all interested parties listed on ECF service list

9 ☐ BY PERSONAL SERVICE I delivered such envelope(s) by hand to the offices of the addressee(s).

10 ☐ BY UNITED STATES MAIL I enclosed the documents in a sealed envelope or package addressed to the
 11 respective address(es) of the party(ies) stated above and placed the envelope(s) for collection and
 12 mailing, following our ordinary business practices. I am readily familiar with the firm's practice of
 13 collection and processing correspondence for mailing. On the same day that correspondence is placed
 14 for collection and mailing, it is deposited in the ordinary course of business with the United States
 15 Postal Service, in a sealed envelope with postage fully prepaid at Washington, DC.

16 ☐ BY OVERNIGHT DELIVERY I enclosed the document(s) in an envelope or package provided by an
 17 overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I
 18 placed the envelope or package for collection and overnight delivery at an office or a regularly utilized
 19 drop box of the overnight delivery carrier.

20 ☐ BY FAX (C.C.P. § 1013(a),(e); CRC 2008) by transmitting said document(s) by electronic facsimile at
 21 approximately at 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036 to the respective
 22 facsimile number(s) of the party(ies) as stated on the attached mailing list. The transmission was
 23 reported as complete without error. Attached is a true copy of the transmission report which was
 24 properly issued by the transmitting facsimile machine.

25 ☒ BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties
 26 to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the
 27 respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable
 28 time after the transmission, any electronic message or other indication that the transmission was
 unsuccessful.

☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing
 is true and correct.

Executed on April 27, 2010, at Washington, DC.

Brittany Bremer

[Print Name of Person Executing Proof]


 [Signature]